

**MINUTES OF THE MEETING OF THE MIDLAND CITY PLANNING COMMISSION
WHICH TOOK PLACE ON
TUESDAY, JANUARY 14, 2014, 7:00 P.M.,
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. Roll Call

PRESENT: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart, Tanzini and Young

ABSENT: None

OTHERS PRESENT: Brad Kaye, Director of Planning and Community Development; Grant Murschel, Community Development Planner and sixteen (16) others.

2. Approval of Minutes

Moved by Young and seconded by Hanna to approve the minutes of the special meeting of December 10, 2013. Motion passed unanimously.

Moved by Young and seconded by Hanna to approve the minutes of the regular meeting of December 10, 2013. Motion passed unanimously.

3. Public Hearing

- a. Site Plan No. 325** – the request of Jerome A. Schafer on behalf of the Rapanos Family LC for site plan review and approval for a 20,900 square foot self storage units, located at 1547 Washington Street.

Kaye began the presentation by explaining the location and nature of the proposal. It is a use by right but subject to site plan approval. He mentioned that there are outstanding issues that should be resolved including the need for an additional fire hydrant and further detail on the landscape buffer, fencing and storm water grading. Staff is recommending that the item be tabled to allow for the needed items to be submitted.

McLaughlin wondered if the parcel was landlocked. Kaye indicated that it does have legal right of passage over the parcel to the south.

Heying wondered about the location of the current storm water basin that will be used. He also wondered about the current berm that exists and if it's required to stay.

Jerome Schafer presented on behalf of the applicant. He showed where the existing pond is located behind the commercial strip mall development. He explained that at the time of development of the buildings to the south the storm water was designed for the subject parcel's volume. He explained that the site will have grading to direct the storm water away from the neighbors.

There were no public comments in support or objection to the proposal.

The public hearing was closed.

The Commission decided to table the item for consideration until the next meeting in order for the applicant to provide the necessary information requested in the staff report as required by Article 27 of the City Zoning Ordinance.

- b. Site Plan No. 326** – the request of Three Rivers Corporation on behalf of Tarbert Properties, LLC for site plan review and approval for a 27,079 square foot equipment rental and storage facility to be located at 3217 South Saginaw Road.

Murschel presented the proposal. He began by explaining the location of the proposal and the current conditions of the site. He explained that all information requirements have been satisfied by the applicant. Staff is recommending approval of the application with the six contingencies listed in the staff report.

Kristin Riddle, of Three Rivers Corporation, presented on behalf of the applicant. She further explained Titan Equipment's need to expand in order to meet the needs of their growing business and to accommodate their equipment. She explained that Titan Equipment is one of the largest large equipment renters in the state.

Fred Klich, representing his business at 3235 S. Saginaw Road, located immediately adjacent to the subject parcel and north of Corning Lane, wondered about the location of the proposed gates and whether or not the gravel drives would remain. He explained that currently dust becomes an issue during dry portions of the summer when large equipment drives through.

Riddle explained that the northern most proposed entrance will be used primarily for customer vehicles. The large vehicles and machines entering and leaving the site will primarily use the access on Corning Lane.

Susan Klich wondered about the access points into the proposed development and whether or not it would interfere with their business. She also wondered about whether the development will be on the north and south side of Corning Lane.

Murschel pointed out where the gates would be located completely on Titan Equipment's property. Kaye spoke to the concerns of the dust and explained that City Engineering has not indicated that they intend to pave the remaining portion of Corning Lane in the near future.

There were no public comments in support of the application.

The public hearing was closed.

McLaughlin wondered if Corning Lane would be paved. Kaye indicated that the approximately 200 feet from South Saginaw Road to the cul-de-sac will remain unpaved. He also indicated that the maintenance of the road is the responsibility of the city and the applicant is not required to provide a means to keep dust levels down on this city-maintained public street. Kaye mentioned that the city is having the applicant pave the cul-de-sacs, as a condition of the street vacations, in order to provide a stable turn-around area for city public service and emergency vehicles. The cul-de-sacs will be built to city standards.

A motion was made by Mead to waive the procedural requirements for a second meeting. The motion was seconded by Hanna. A roll call vote was requested.

YEAS: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart, Tanzini and Young
NAYS: None

Motion by Young and seconded by Hanna to recommend to City Council the approval of Site Plan No. 326 the request of Three Rivers Corporation on behalf of Tarbert Properties, LLC for a 27,079 square foot equipment rental and storage facility to be located at 3217 South Saginaw Road contingent on the following.

1. A final storm water management plan shall be submitted to the City Engineering Department and a storm water management permit shall be obtained prior to construction.
2. A final soil and sedimentation control plan shall be submitted to the City Building Department.
3. Utility easements shall be submitted to the City Engineering Department.

4. Legal descriptions of cul-de-sacs at the ends of Corning Lane and Sauve Street shall be submitted to the City Engineering Department.
5. A fire hydrant must be located with 75' of the Fire Department connection (FDC).
6. Vacations of Corning Lane and Sauve Street must be completed to the satisfaction of the City Engineering Department prior to building permit issuance.

YEAS: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart, Tanzini and Young
NAYS: None

- c. **Site Plan No. 327** – the request of Cash Waggner & Associates on behalf of Midland Place Apartments, LLC for site plan review and approval of a development consisting of three apartment buildings. Each building will be four stories in height and contain 45 apartment units. The property is located at 2414 Swede Avenue. .

Kaye began the presentation by explaining the multi-family proposal. He explained that the site is currently vacant and is largely treed. The applicant has submitted a revised landscape plan in response to staff concerns. It is still deficient in meeting the landscape requirements. Staff notes that the applicant seems to not have made any effort to retain the existing trees on site.

Hanna wondered about the driveway spacing on Eastlawn Drive between the proposed driveway and the existing driveway into Robin Oaks Apartments. Kaye responded that the City Engineering Department and the traffic engineer did not call this out as a concern. Hanna asked that this be reviewed further.

Senesac wondered about the parking being located within the Consumers Energy easement and whether it was allowed per the terms of the agreement. Kaye responded that this is not clear at this time as the easement restricts grading.

Heying wondered about current left hand turn lanes on Eastlawn Drive. Senesac wondered about if staff has given an opinion on the remaining trees on site.

Nathan Waggner, of Cash Waggner & Associates, presented on behalf of the applicant. He spoke to each of the contingencies that were outlined in the staff report. He explained that the applicant will comply with the landscaping requirements. He explained that the ramps are proposed to allow for flexibility on site. Each building will have handicap accessible units on the main level and barrier free spaces might be relocated to accommodate future residents if needed. He explained that they have received verbal indication from Consumers Energy that they will release the right-of-way since no facilities exist within the easement. He explained that the trees on site are relatively immature as he understands that the site was logged within the last decade.

Pnacek wondered about the landscape requirements. Kaye explained that there are multiple counts of trees and shrubs needed and that the applicant must meet the counts in each category. The current plan does not appear to do so based on a preliminary review of it.

Hanna wondered about bike racks on site. The applicant agreed that bike racks can be added.

McLaughlin wondered about a timeline with obtaining permission from Consumers. Kaye indicated that the city is pointing out the easement as a courtesy since the city is not a party to the agreement. He further explained that the city does not have any responsibilities in this matter since it is a private agreement. Any violations of the easement would be the responsibility of Consumers Energy to enforce. Waggner explained that the project would not move forward from a developer's point of view without having approval from Consumers Energy.

Daniel Parker, of 2500 Swede Avenue, location immediately north of the subject parcel on Swede, wondered about the access to the park as the city uses the subject parcel to access the park for

maintenance purposes. Kaye explained that staff can look into how the Public Services Department currently accesses the site and if other access exists.

Marsha Parker, of 2500 Swede Avenue, wondered about the buffering on the north side of the development. She wondered about what she will be looking at from her property with this development. She also wondered about traffic impacts on the roads. Additionally, she questioned the dumpster locations and if the existing storm sewer can handle this development.

Waggner addressed the public comments. He explained that they will be planting a row of evergreens to screen on the north side. Kaye explained that the storm sewers are adequate to support the development. He also explained that the city requires detention for a 100-year flood event. The proposed site plans provide for this required storage.

Mead wondered about the sanitary sewer capacity in this area. Kaye explained that the City Utility Department has reviewed the proposal and has not raised any objection.

There were no public comments in support of the application.

The public hearing was closed.

Heying wondered about what the Commission would be looking for before the next meeting. Senesac explained that landscaping needs to be addressed. Hanna explained that driveway spacing on Eastlawn Drive should be reviewed.

Hanna wished to see a play area for children proposed. Kaye explained that the city cannot require this type of area as the zoning ordinance does not have this as a requirement.

Tanzini wondered about approval for the sidewalk dips. Kaye explained that the Commission could give approval of the dips. Kaye also explained that the second issue regarding sidewalks is the site connection to the intersection of Swede and Eastlawn.

The Commission decided to table the item for consideration until the next meeting in order for the applicant to provide the necessary information requested in the staff report as required by Article 27 of the City Zoning Ordinance.

- d. Site Plan No. 328** – the request of Three Rivers Corporation on behalf of Midland DTH, LLC for site plan review and approval for an 83,730 square foot mixed use building, located at 102 East Main Street. The proposed building will be five stories in height and will contain a mix of commercial and residential uses.

Kaye presented the application of the five-story mixed use building. He explained the current conditions of the site. He explained that all information requirements have been satisfied. He explained the minor concerns that still need to be addressed as explained in the staff report. Additionally, even though there are several contingencies, they are considered minor and do not impact Planning Commission review of the site plan.

Hanna wondered about potential flooding of the site. Kaye explained that the elevation of the site will determine what precautions will need to be taken. This is determined during building plan review. Hanna also wondered about lighting on the roof top. Kaye indicated that the lights must be low level and downward shielded so as to not impact adjacent properties.

Hanna wondered about the scale of the building as proposed. Although larger than other downtown buildings, Kaye explained that it meets the standards of the ordinance.

McLaughlin wondered about the approval process in the downtown business authority area. Kaye

explained that it is the standard process.

John Hill, of Three Rivers Corporation, presented for the applicant. He explained that the project has been designed and includes architectural features intended to reduce the scale of the building. He explained that legally the site cannot protrude light onto adjacent sites and that the lighting proposed will meet the requirements of the city.

Hanna questioned the planning of flood management and window strength. Hill explained that steps will be taken for flood management in order to meet city requirements. The windows will be built to meet the requirements of the state building code, which is enforced by the city.

McLaughlin wondered about signage. Hill explained the potential sign locations and how any proposed sign will meet the city's ordinances. Heying wondered about the aerial electrical lines that exist on Ashman Street. Hill explained that Consumers Energy is currently working on burying the lines in conjunction with this project.

Selina Tisdale, representing the Downtown Development Authority, explained that this project has the full support of the DDA. She explained that the Midland community has also shown examples of support of this project through Brownfield approval.

Hanna wondered about bike storage for the residents of the building. Hill explained that residents could use the provided storage cubicles located in the underground level for bike storage.

There were no public comments in opposition of the application.

The public hearing was closed.

A motion was made by Heying to waive the procedural requirements for a second meeting. The motion was seconded by Mead. The motion passed unanimously.

Motion by Senesac and seconded by Heying to recommend to City Council the approval of Site Plan No. 328 the request of Three Rivers Corporation on behalf of Midland DTH, LLC for an 83,730 square foot mixed use building, located at 102 East Main Street contingent on the following.

1. All work within the public right-of-way shall be reviewed and approved in advance by the City Engineering Department. All sidewalk, planters and benches shall be restored to the satisfaction of the City Engineering Department and City Horticulturist.
2. Pedestrian access around the building shall be addressed and provided in a manner acceptable to the satisfaction of the City Engineering Department.
3. Any individual awnings that may be proposed shall be subject to administrative site plan review.
4. Lighting fixture details shall be submitted in compliance with Section 3.12 of the Zoning Ordinance and approved by the City Electrical Inspector.
5. Screening of the electrical transformers shall be completed in compliance with Section 6.02.E.2 of the City of Midland Zoning Ordinance.
6. Final fire protection measures shall be approved by the City of Midland Fire Department.
7. Water services and meters shall be provided in a manner acceptable to the City of Midland Water Department.
8. Final storm water management plans shall be submitted to and approved by the City of Midland Engineering Department specifications.
9. All exterior signage shall comply with Article 8 of the Zoning Ordinance.
10. The doors for the garbage dumpster enclosure must be replaced by an alternate form of door that does not swing outward into the public right-of-way. Final door design shall be approved by the City Engineering and Planning Departments.
11. The design of the parking access door shall be coordinated with and approved by the City Fire Department.

YEAS: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart, Tanzini and Young
NAYS: None

4. Old Business

- a. **Site Plan No. 324** – the request of Axiom Consulting Services on behalf of Iron Wood Estates Development for site plan review and approval for a 43,480 square foot housing project, located at 4124 Waldo Avenue.

Murschel began the presentation by reminding the Commission of the proposal location and site work. He explained the three main concerns that were voiced by the Commission during the meeting in December. He explained that the applicant has addressed each concern in a letter addressed to the Commission. Staff recommends approval of the proposal as the applicant has satisfactorily addressed the concerns.

Hanna questioned why the issue of potential wetlands on site had not been addressed. Kaye explained that the applicant has indicated that the wetlands are not regulated; however, staff has not received a definitive answer from the Michigan Department of Environmental Quality (DEQ).

Mead wondered about the reduction of the detention pond. Murschel explained that if the Commission agrees to allow the applicant to reduce the pond size to simply meet what is proposed and indicated on the plan as future expansion, the applicant will be able to build the pond farther away from the residences. Murschel explained that if the site were to be developed further, storm water facilities would need to be added to meet city requirements.

Jim Klein, of Axiom Consulting, spoke on behalf of the applicant. He welcomed any questions and explained that he and his client have worked hard to address the concerns. He presented a letter from the DEQ from 2006 explaining that the wetlands on site are not regulated.

Kaye explained the letter from the DEQ to the Commission. He indicated that a more recent letter will be needed from the DEQ in order to satisfactorily show that construction can take place on site in the manner proposed.

Heying explained that after visiting the site again, he believes that it will fit well and minimally impact the surround residences. Mead agreed with Heying and further explained that while he was first concerned about the removal of the trees he now believes that what is proposed will fit well in the location. McLaughlin agreed with Heying and Mead.

Motion by Young and seconded by Stewart to recommend to City Council the approval of Site Plan No. 324 the request of Axiom Consulting Services on behalf of Iron Wood Estates Development for site plan review and approval for a 43,480 square foot housing project, located at 4124 Waldo Avenue contingency on the following.

1. Final storm water design detail, including full site grading plans, shall be provided to the satisfaction of the City Engineering Department. Storm water design shall provide only for the proposed and future senior housing facility development and shall maximize the setback from Waldo Road to the extent possible.
2. Final soil erosion and sedimentation control plans shall be provided to the satisfaction of the City Building Department.
3. Water service to the satisfaction of the City Engineering and Utility Departments shall be provided and appropriate utility easements conveyed to the City of Midland.
4. All required utility easements shall be secured in writing to the satisfaction of the City Attorney.
5. Landscape buffer plantings adjacent to the neighboring residential property shall use spruce plantings in place of the white pine plantings indicated on the landscape plan. Revised landscape

- plans shall be provided to the satisfaction of the City Planning Department reflecting this revision.
6. Approval to develop from Michigan Department of Environmental Quality regarding wetlands on site.

YEAS: Hanna, Heying, McLaughlin, Mead, Pnacek, Senesac, Stewart, Tanzini and Young
NAYS: None

5. Public Comments

None

6. New Business

- a. NMT Recommendation regarding bike lanes on the reconstructed M-20 Bridge.

Kaye explained that Michigan Department of Transportation (MDOT) is rebuilding the M-20 Bridge and has solicited a recommendation from the Midland City Non-Motorized Transportation Committee regarding the inclusion of bike lanes. The NMT has recommended that MDOT not include bike lanes on the new bridge.

Motioned by Hanna and seconded by Young to recommend to City Council that the reconstruction of the M-20 Bridge not include bike lanes. The motion passed unanimously.

7. Communications

None

8. Report of the Chairperson

None

9. Report of the Planning Director

-

Kaye advised Commissioners that the Eastlawn Plaza drive-thru restaurant conditional use permit was approved by City Council. The County Hazard Mitigation Plan was also adopted by City Council.

10. Items for Next Agenda – January 28, 2014

- a. Zoning Ordinance Updates – public hearing
- b. Site Plan No. 325 – Jerome A. Schafer (if ready)
- a. Site Plan No. 327 – Midland Place Apartments (if ready)

11. Adjourn

Prior to adjourning, Senesac commented that he believes that the Commission should revisit the landscaping standards to exclude white pines as an appropriate tree for screening. Hanna included that we should consult the local soil conservation agency to keep current on diseases affecting vegetation in the area as to discourage developers in planting vegetation that is affected.

Motion by Mead and seconded by Heying to adjourn at 9:29 pm. Motion passed unanimously.

Respectfully submitted,

C. Bradley Kaye, AICP, CFM
Director of Planning and Community Development

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION